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<p>FRANCIS M. GAVIN Plaintiff,</p> <p>vs.</p> <p>HAWORTH, INC. Defendant.</p>	<p>SUPERIOR COURT OF NEW JERSEY LAW DIVISION</p> <p>BURLINGTON COUNTY</p> <p>Docket No.</p> <p>Civil Action</p> <p>COMPLAINT AND JURY DEMAND</p>
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Plaintiff, Francis M. Gavin, residing in Burlington County, New Jersey hereby says by way of Complaint against the Defendant.

The Parties

1. Plaintiff Francis M. Gavin (“Gavin”) has been employed as a Manager Strategic Global Accounts Defendant, Haworth, Inc.
2. Defendant Haworth, Inc. (“Haworth”) is a privately held, family owned global corporation, headquartered in Holland, Michigan, that manufactures and designs office furniture.
3. Hank Pizoli (“Pizoli”) is at all times relevant, the supervisor to Gavin employed by Haworth. His job title is East Region Global Accounts Director; and, at all times relevant the agent and representative of Haworth for purposes of establishing delegated and vicarious liability to Haworth.

Statement of Facts

4. Gavin has been an effective and dedicated employee of Haworth, Inc. for over fourteen (14) years. During this entire period Gavin has been part of Haworth's Global Accounts team and has been one of the top sales performers in the history of the company.
5. In his current position of Manager Strategic Accounts, Gavin is responsible as the primary and lead sales person on behalf of Haworth who built and/or grew Haworth's business relationships with a group of worldwide Fortune 500 and other similarly large corporations such as and including Honeywell, Pepsi, Johnson & Johnson, American Express, Tyco, Reed Elsevier, Bristol Myers Squibb, Sanofi Aventis, TE Connectivity, ADT, Siemens *et al.*
6. Haworth sells and distributes their products through about 600 independently owned dealerships. Haworth's largest customers are managed by their global accounts group, which is the elite of their entire sales force. Mr. Gavin has been part of this elite group his entire career at Haworth.
7. A uniquely skilled sales professional and adept at new business development, Gavin also, during the course of his career, expanded Haworth's business relationships with numerous other Fortune 500 corporations including AT&T, DBM, Merck, Hoffman-LaRoche, ADP and BASF. Gavin was instrumental in driving tens of millions of dollars in sales as well as negotiating on Haworth's behalf, new Preferred Vendor contracts before these accounts were transferred to other members of Haworth's Global Accounts team. Once securing new contracts, Gavin continued developing more new business for Haworth. The top

companies in the world proving through their actions their trust in Gavin and how he does his job.

8. After an extensive due diligence evaluation process Gavin was promoted from the title of Global Accounts Manager to Manager of Strategic Accounts as part of a global Pilot Program supported by Haworth's Board of Directors in 2006. He was one of only four (4) individuals worldwide put into this trusted position and the only North American "promoted" into this role. (**Exhibit A**, April 13, 2007 Intra-Company Correspondence)
9. During his fourteen plus year tenure, Gavin has been repeatedly recognized for the results he produced, receiving multiple performance awards including a Closers Cup Award, numerous Quota Achievement Awards and Haworth's Pinnacle Award. His approach to doing business was frequently applauded in public by Haworth's senior sales management who shared again and again with multiple customers what a "great customer advocate Gavin is."
10. Mr. Gavin maintained a good rapport with all three (3) generations of the Haworth family during the course of his career. He was welcomed to dine in the home of Haworth-founder, G.W. Haworth; he worked closely with Richard Haworth, the Chairman Emeritus to build business relationships for Haworth; and most recently, continued to advocate for Haworth by successfully presenting side-by-side with current Haworth Chairman, Matthew Haworth.
11. By August 2012, Gavin had worked under four (4) different supervisors, two (2) Directors and two (2) Vice-Presidents, with all of whom he has maintained positive professional relationships. He regularly received exceptional annual reviews from each of his managers.

12. His annual reviews and awards were full of compliments including statements such as “[Gavin] has established very high personal and professional goals for himself and conducts himself very professionally to clients, he works days, nights, and weekends to satisfy his clients. He is in tune with his customers’ expectations and maintains a close relationship with his clients” or “Thanks for a terrific year!” “Keep up the good work and thanks again for all you do!” (**Exhibit B**, February 22, 2011 Email from Tom Peyton; Undated Note from Bob Kindford)

13. Until recently, Plaintiff had never received any negative performance-based write-ups or disciplinary action of any kind.

Everything Changes. Gavin Takes an Approved Medical Leave; Undergoes Spinal Fusion

14. On August 6, 2012, Mr. Gavin’s medical leave paperwork was processed and he was approved for a three (3) month Medical Leave starting on August 16th.

15. On or about August 15, 2012, Gavin underwent a spinal fusion. Prior to 2012 Gavin had had approximately five (5) invasive procedures for back injury. Despite his chronic and debilitating back problems, Gavin missed little time from work and maintained his status as a top performer.

16. After the 2012 surgery, Gavin’s doctor prescribed numerous medications including the narcotic drugs Fentanyl and Oxycodone for pain relief, explaining that he would have to continue taking these prescription medications for the rest of his life. Gavin suffers from Chronic Intractable Pain (IP).

17. Towards the end of August 2012, while Mr. Gavin was recovering from spinal surgery at home, Hank Pizoli became Gavin’s supervisor.

Gavin Returns to Work; Harassment and Discrimination Commences

18. In September 2012, Gavin returned to work in Haworth's transitional work program. The transitional work program permitted Gavin to work from home up to four (4) hours a day, communicating with customers via electronic communications and telecommunications to continue sales activity and maintain customer relations. (**Exhibit C**, September 6, 2012 and October 8, 2012 Medical Update(s) for Restricted Work)
19. During this time, from September 2012 to January 2013, Pizoli was aware of Gavin's disability including the fact that Gavin was required to use a walker, wear a full neck-to-waist brace and take heavy pain medication. Pizoli was copied on all medical documentation provided to Haworth's Medical Center. (**Exhibit D**, October 3, 2012 Email correspondence between Pizoli and Gavin)
20. Pizoli badgered Gavin almost immediately to do more than he was physically capable of. Gavin became so stressed by Pizoli's constant admonishments, that he had to be treated for Shingles during his rehabilitation.
21. On several occasions Pizoli questioned if Gavin wanted to remain employed by Haworth, implying his disability was a great inconvenience to the company. Such comments made Gavin feel less than a person.
22. Even in a limited capacity while recovering Gavin was very effective and he continued growing the confidence his group of customers had in him as their trusted advisor. He extended business relationships for Haworth and even partnered with one of customers ADT to organize shipments of vitally needed generators, gas containers, blankets, tarps and water from Florida to New Jersey after Hurricane Sandy building goodwill for the Haworth organization. (**Exhibit E**, Haworth Hometown Article)

Upon His Return to Work, Gavin is Subject to Immediate and Continuous Disability Discrimination

23. Gavin returned to work on or around December 14, 2012 with his disability. (The disability is a degenerative back injury with work restrictions during normal business hours and an accommodation to permit the taking of pain medication.) Gavin's doctor advised that he could return to work full time but could not lift more than 25 pounds and should change position every hour.
24. With the disability and prescriptive medication, Gavin performed in an excellent manner. Indeed, top performer, exceeded sales quota at 143% from January 2013 to December 2013. (**Exhibit F**, 2013 Year to Date Sales, February 20, 2014 email from Hank Pizoli to Frank Gavin)
25. The nature of Gavin's disability was common knowledge among Haworth's customers, dealers and other Haworth members. Everyone knew that Gavin needed to take strong narcotic medications to control pain and that it was particularly uncomfortable for Gavin to stay in a seated position. Most admired Gavin for working through his disability and would do whatever they could to make him more comfortable. People provided Gavin ice packs and were understanding when Gavin needed to stand, move around or take medications. They would walk slowly to allow Gavin to keep up because he has a pronounced limp in his left leg after sitting.
26. Pizoli, on the other hand, made Gavin feel uncomfortable about being disabled. He frequently badgered Gavin and questioned his physical ability to do his job saying, e.g. "If you are not happy here you should consider doing something else."
27. Others noticed Pizoli's behavior towards Gavin. On April 23, 2013 Gavin was approached by several Haworth dealer principals and others, including a former President of Haworth's

Dealer Counsel, who were traveling with him for meetings at Haworth's headquarters in Holland, Michigan. (Pizoli had also been present for the meeting.) They had heard that Gavin was going home to take his father off life support and, after the meetings had ended, expressed their sympathies. Yet, after spending the previous two (2) days with Gavin and Pizoli, they also made a point of telling Gavin that they were aware of Pizoli's intention to make remaining at Haworth as uncomfortable for Gavin as possible.

28. The following week Pizoli forced Gavin to interrupt bereavement leave for the passing of his father by making Gavin travel to Florida for a meeting the day between Gavin's father's funeral and burial.
29. Pizoli continued his inappropriate actions towards Gavin on May 30, 2013 wherein he called Gavin to (wrongfully) accuse him of misusing Haworth resources and failing to travel to attend meetings in Minneapolis, Minnesota.
30. Gavin received the call while he was in Minneapolis-St. Paul International Airport, preparing to fly home after attending the aforementioned meetings. (**Exhibit G**, May 29 and 30, 2013 Flight Itinerary) When Gavin told Pizoli that he was about to check-in for his flight back, Pizoli called Gavin a "liar" and repeatedly asked Gavin where he really was, implying that Gavin was not in fact traveling for business.
31. Again Pizoli questioned Gavin's ability to travel and do his job because of his disability and claimed Gavin did not attend any customer meetings. Pizoli went on further, telling Gavin that "no one wants to work with you" and suggesting Gavin leave Haworth.
32. Gavin did in fact travel to Minneapolis and conducted multiple meetings with customers and a Haworth distributor, Fluid Interiors. Gavin did not misuse any Haworth resources as this could have been grounds for termination of Gavin's employment with Haworth. This

incident increased Gavin's fear of Pizoli and reinforced that Pizoli was motivated by animus for Gavin's disability status.

33. As 2013 continued, Gavin contributed sales in excess of his quota and expanded future business opportunities for Haworth. Each month Gavin would receive an e-mail from Pizoli acknowledging the irrefutably positive results of Gavin's performance, while at the same time continuing to discriminate against him by singling him out for any perceived shortcomings. (**Exhibit H**, 2013 Email exchanges between Pizoli and Gavin regarding Gavin's work performance)
34. Pizoli repeated suggestions that Gavin should consider going elsewhere if he was unhappy being a member of Haworth's Global Accounts. In short, Pizoli was creating an untenable and hostile work environment for Gavin.

The Hostile Work Environment Created by Pizoli Aggravates Gavin's Disability

35. The stress created by Pizoli's near-constant harassment began to have a negative effect on Gavin's health.
36. During the course of 2013, Gavin was taken to the Medical Center at Princeton Emergency Room several times after his condition was aggravated. Each time Pizoli was notified of same.
37. In late September 2013 after weeks of travel for business, Gavin was scheduled to take a few days off to visit his daughter in Los Angeles when he was suddenly needed to host an important meeting with TYCO International at Haworth's headquarters in Michigan. Gavin canceled part of his vacation rather than risk the wrath of Pizoli and successfully conducted this meeting then went onto Los Angeles to catch up with his family. Upon return Gavin became very ill and had to be hospitalized because of the loss of pain control. He was

discharged and scheduled to have injections into his spine on September 27th to help alleviate the discomfort he was experiencing.

38. The following week, Pizoli escalated his attacks on Gavin in an effort to exacerbate his medical condition.

Pizoli Forces Gavin—and No One Else—to Complete Unnecessary “Weekly Activity Reports”

39. Pizoli escalated his attack on Gavin, starting with a phone call on October 4, 2013, wherein he accused Gavin of numerous failures, including “poor time management.”

40. Several days later, on or about October 7, 2013, Gavin received an email from Pizoli entitled “Follow-Up Action Steps.” In the email, Pizoli implemented a new requirement that Gavin complete “weekly activity training report[s].” (**Exhibit I**, October 7, 2013 Email from Pizoli to Gavin and Gavin’s October 9, 2013 Response) Gavin would thereafter be required to work additional hours of unpaid overtime in order to complete the spreadsheets, detailing every activity Gavin undertook every minute of the day.

41. Pizoli used the excuse that Gavin was having a problem with “time management” when in fact Gavin was required to intermittingly take a time off in order to attend to his back injury. The time Gavin used to attend to his disability in no manner affected his performance within the company.

42. The email, which copied Janet Hayward of Haworth’s Human Resources Department and Mitchel Kantor, Haworth’s Vice-President of Global Accounts, was replete with inaccuracies. Gavin sent an extensive response to Pizoli’s email rebutting the allegations with facts and seeking to refocus Pizoli’s attention on sale generation and mutual goals they could work on together.

43. No one else under Pizoli’s supervision was required to report their time in this way.

44. In his October 7 email, Pizoli also instructed Gavin to travel to Haworth's New York office on Thursday October 10th to meet with Pizoli and to participate in a meeting with the Haworth New York Region "Local" Sales team to discuss Gavin's work performance.
45. Gavin sent an extensive response to Pizoli's "Follow-Up Action Steps" e-mail rebutting Pizoli's allegations, seeking to refocus Pizoli's attention on sale generation activities and mutual goals they could work on together.
46. On Thursday October 10, 2013 Gavin arrived at the Haworth New York office as instructed. During the meeting Gavin advocated for himself by identifying facts and witnesses to rebut Pizoli's allegations. Yet Pizoli continued to insist he was right.
47. Yet within hours of the conclusion of the meeting, Pizoli emailed Gavin a "Documented Verbal Warning" for alleged violations of Haworth's Standard Operating Procedures, stating Gavin had to correct Pizoli's alleged deficiencies if he wished to remain employed by Haworth. Again Janet Hayward of Haworth's Human Resources Department and Mitchell Kantor, Haworth's Vice-President of Global Accounts were copied on this communication. (**Exhibit J**, October 10, 2013 "Verbal Warning" Email from Pizoli to Gavin and Gavin's Email Response)
48. Pursuant to Pizoli's instructions, Gavin spent hours of unpaid overtime each week drafting the "Weekly Activity Reports." Not only were the reports tedious and time consuming, often adding an additional four (4) hours to Gavin's work day, they required Gavin to remain in a seated, "perched" typing position for extended periods of time, causing significant pain and discomfort and further aggravating Gavin's back injury and indeed, causing the condition to worsen.

49. Pizoli regularly sent Gavin back disparaging comments in an effort to find anything that could support Pizoli's fabricated narrative of Gavin shortcomings.

Gavin Reports the Discrimination and Hostile Work Environment to Human Resources But No Action is Taken

50. On Monday October 28, 2013 while at Haworth's headquarters to host TYCO's Senior Executives, Gavin used a break in his schedule to go to Haworth's Human Resources Department to meet with Janet Hayward. During this meeting Gavin explained how Pizoli was harassing him and creating a hostile work environment because of his physical limitations, none of which impeded his sales performance. During the course of their 45 minute meeting Hayward showed little interest in Gavin's complaints, and failed to take any written notes of the conversation.

51. Later that afternoon, Gavin and Haworth's Vice-President of Global Sales, Todd James, hosted TYCO's Senior Executives for a lunch meeting. During this meeting James stated to the TYCO team that "TYCO could not be in any better hands than Gavin's." James added, "Gavin is a great customer advocate who is greatly admired by his co-workers and Haworth's distributors; he knows how to get what you need done." The TYCO team responded by starting a discussion about one of the largest commitments of business ever made to Haworth.

52. Upon returning from the meeting, Gavin became aware that Rosalie Edson, the owner of Haworth's dealership Meadows Office Furniture, had sent an e-mail to Pizoli, Mitchel Kantor and Ann Harten, Haworth's Vice-President of Human Resources on Gavin's behalf.
(Exhibit K, October 20, 2013 Email from Rosalie Edson)

53. In the email she stated that she never had any issues with Gavin's dedication to clients. She further observed that despite Gavin's very serious health challenges, he had been able to maintain a high level of commitment to Haworth and Meadows.

Gavin Requests a Reasonable Accommodation

54. Repeatedly Gavin made Pizoli aware that because of his disability, sitting in a typing position caused excruciating pain beyond what very strong narcotic pain medications could control. He pleaded with Pizoli again and again to find some way to accommodate him so that the paperwork imposed on Gavin alone could be eliminated, reduced, performed with the assistance of clerical help; anything.

55. He asked repeatedly that he not be required to complete the weekly time reports, which resulted in 12-14 workdays. The weekly time sheets, which, apparently, were a punitive measure by Pizoli.

56. But Gavin's complaints fell on deaf ears. Despite protestations, Gavin was required to continue to work unpaid overtime preparing extensive spreadsheet "Weekly Activity Reports," even though the preparation of these reports was not required of any other employee and caused Gavin physical pain and exacerbated his back condition.

57. On November 8, 2013 Gavin sent Pizoli and Mitchell Kantor an e-mail with the subject header "GOOD NEWS," detailing significant business commitments Gavin was in the process of obtaining for Haworth.

58. Within this e-mail was a follow up description of the huge amount of business from TYCO and ADT, including supporting spreadsheets detailing the locations where Haworth products would be shipped. Neither Pizoli nor Kantor acknowledged receipt of this news.

In Spite of the Discrimination, Gavin Continues to Increase Business for Haworth

59. Throughout November 2013 TYCO worked with Gavin to significantly increase their business relationship with Haworth. David Wade, TYCO's Vice-President of Global Facilities who reported directly to TYCO's CEO, even invited Gavin to join a meeting to interview the multi-national design firm Gensler in New York City. This was the first time a furniture manufacturer like Haworth had ever participated in this type of meeting.
60. During the meeting with TYCO and Gensler a decision was reached to conduct a major meeting with TYCO's European Senior Management and Gavin was asked to travel to Manchester, UK to participate in these meetings.
61. Gavin immediately contacted Pizoli to seek Travel Authorization to go to Manchester to represent Haworth and *for the first time in 15 years had a travel request denied*. Pizoli advised Gavin his request to travel to this vital meeting was not approved and that he should manage Haworth's participation in the TYCO Manchester meeting through Haworth's European Representatives none of who were not known to David Wade or any other TYCO representatives.

Gavin's Condition Worsens

62. January 6, 2014, Gavin's doctor ordered him to cease sitting in a perched (typing) due to increasing damage to Gavin's lower back.
63. January 17, 2014, Gavin received an email from Pizoli wherein he acknowledged the excruciating pain Gavin was experiencing, yet offered no accommodation to mitigate the discomfort.

64. February 14, 2014, Gavin received cortisone injections to address the significant increase in inflammation and pain. His doctor also switched his pain medication from Fentanyl to the (stronger) Morphine.

Despite Exceeding His Sales Quota, Gavin is Issued a “Final Written Warning”

65. On or about February 20, 2014, Plaintiff received an email from Pizoli:

Hello Frank

I am delighted that you have exceeded your 2013 quota. You finished at \$21.5M or 143% of your annual quota. You should be very proud of your results as you had a great year. Based upon these results, you will receive a bonus of \$72,047. This will be paid on Friday, February 21st. Attached is your 2013 final award payout calculations.

Once again, thanks for your support in helping Haworth grow market share and helping to build a stronger Global Accounts Division.

Keep pushing hard for a stronger finish in 2014.. If Mitch or I can ever be of assistance, please feel free to contact us.

Hank

66. As evidenced by the email, Gavin received a \$72,047 bonus for exceeding his annual quota.

67. February 21, 2014 e-mail from Pizoli congratulating Gavin on great year in 2013 followed by Final Written Warning on Friday February 24th along with Administrative Leave. Ridiculous nature of request and clear intent to terminate.

68. Defendant’s own policies prohibit discrimination on the basis of disability. (**Exhibit L**, Pages 4-5 of Haworth’s Policies, Practices, & Guidelines)

69. On date March 3, 2014, Gavin was forced to apply for a temporary disability leave. The unrelenting harassment by Pizoli caused extreme stress to Gavin which in turn exacerbated his pre-existing back and chronic pain condition. (**Exhibit M**, March 3, 2014 Notice of Eligibility for Medical Leave) But for Pizoli’s bad behavior, Gavin would have continued in his employment with Haworth despite his disability.

70. On or about April 1, 2014, Gavin applied for—and was subsequently granted—short term disability benefits through Haworth. (**Exhibit N**, April 1, 2014 Disability Claim Form)
71. Gavin is at this time on temporary disability.
72. Gavin has been constructively discharged from employment. The unnecessary job duties imposed by Pizoli create continued disability discrimination worsening Gavin's physical condition, not accommodating it and has created a worsening of and a permanent disability preventing him from working all together.

LEGAL CLAIMS

COUNT I

VIOLATION OF NEW JERSEY'S LAW AGAINST DISCRIMINATION, N.J.S.A. 10:5-1 ET SEQ.; DISCRIMINATION CLAIM

73. The above paragraphs are incorporated herein as if set forth at length.
74. New Jersey's Law Against Discrimination provides all persons with the opportunity to obtain "all the accommodations, advantages, facilities, and privileges of any place of public accommodation" without discrimination due to disability. This opportunity is recognized as and declared to be a civil right." N.J.S.A. 10:5-4.
75. The New Jersey Supreme Court has liberally construed the LAD to further the Legislature's broad remedial objectives. See *Viscik v. Fowler Equip. Co., Inc.*, 173 N.J.1, 13 (2002); see also N.J.S.A. 10:5-3 ("[T]his act shall be liberally construed in combination with other protections available under the laws of this State."). Moreover, New Jersey courts have advised that "the more broadly [the LAD] is applied the greater

its anti-discriminatory impact." *Ptaszynski v. Uwaneme*, 371 N.J. Super. 333, 345, (App. Div.), certif. denied, 182 N.J. 147 (2004).

76. As a direct and proximate result of Defendant's actions, Plaintiff has been made to unnecessarily suffer, lose his job, lose his source of income, cause him to lose his ability to support his family and has contributed to the mass unemployment rate and general decline of the local economy.

WHEREFORE, Plaintiff seeks damages to vindicate his rights under the laws and remedy the egregious loss and damages inflicted upon him by Defendants, including, but not necessarily limited to compensatory damages, emotional distress, bodily harm and injury, physical illness, economic damages, injunctive and equitable relief, every day and daily stress caused by Defendants illegal acts, attorney's fees, costs of suit, punitive damages and any other damages the Court deems fair and just.

COUNT II

VIOLATION OF NEW JERSEY'S LAW AGAINST DISCRIMINATION, N.J.S.A. 10:5-1 ET SEQ.; DENIAL OF A REASONABLE ACCOMMODATION

77. The above paragraphs are incorporated herein as if set forth at length.
78. The LAD does not specifically speak to reasonable accommodation. *Potente v. County of Hudson*, 187 N.J. 103, 110 (2006).
79. However, the courts and the New Jersey Division on Civil Rights in the Department of Law and Public Safety have. *Id.*; *Tynan v. Vicinage 13 of the Superior Court of New Jersey*, 351 N.J. Super. 385, 396-07 (App. Div. 2002).

80. For example, N.J.A.C. 13:13-2.5(b), adopted by the Division under the LAD, provides that an employer must “make a reasonable accommodation to the limitations of an employee . . . who is a person with a disability, unless the employer can demonstrate that the accommodation would impose an undue hardship on the operation of its business.”
81. In the absence of controlling authority, in interpreting the LAD in disability discrimination claims, “federal law has consistently been considered for guidance.” *Bornmesser v. Jersey Shore Med. Center*, 340 N.J. Super. 369, 380 (App. Div. 20010) (on LAD claim applying federal law under Section 504 of the Rehabilitation Act of 1973 as guidance); *Ensslin v. Twp. of Bergen*, 275 N.J. Super. 352, 363-64 (App. Div. 1994), *cert. denied*, 142 N.J. 446 (1995); see also *Chisolm v. McManimon*, 275 F.3d 315, 325 n. 9 (3d Cir. 2001)(confining discussion to ADA Title II “with the understanding that the principles will apply equally to the Rehabilitation Act and NJLAD claims”).
82. Here, Defendant’s conduct violated the laws requiring it to meaningfully and in good faith engage in the interactive process in attempting to place a long term and diligent employee with a recent short term disability in a reasonably accommodating employment position. No such efforts were made by Defendant.
83. As a direct and proximate result of Defendant’s actions, Plaintiff has been made to unnecessarily suffer, lose his job, lose his source of income, cause him to lose his ability to support his family and has contributed to the mass unemployment rate and general decline of the local economy.

WHEREFORE, Plaintiff seeks damages to vindicate his rights under the laws and remedy the egregious loss and damages inflicted upon him by Defendants, including, but not necessarily limited to compensatory damages, emotional distress, bodily harm and injury, physical illness, economic damages, injunctive and equitable relief, every day and daily stress caused by Defendants illegal acts, attorney's fees and costs of suit, punitive damages and any other damages the Court deems fair and just.

DESIGNATION OF TRIAL COUNSEL

Michelle J. Douglass, Esq., is hereby designated as trial counsel in the above-captioned matter.

CERTIFICATION OF NO OTHER ACTIONS PURSUANT TO

RULE 4:5-2


I certify that the dispute about which I am suing is not the subject of any other action pending in any other court or a pending arbitration proceeding to the best of my knowledge and belief. Also, to the best of my knowledge and belief no other action or arbitration proceeding is contemplated. Further, other than the parties set forth in this complaint, I know of no other parties that should be made a part of this lawsuit. In addition, I recognize my continuing obligation to file and serve on all parties and the court an amended certification if there is a change in the facts stated in this original certification.

JURY DEMAND

The plaintiff hereby demands a trial by jury on all of the triable issues of this complaint, pursuant to New Jersey Court *Rules* 1:8-2(b) and 4:35-1(a).

MY RIGHTS LAWYERS, LLC

Attorneys for Plaintiff

By:  _____
MICHELLE J. DOUGLASS